

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)
v.)
PATRICIA MORRISON,)
DEFENDANT/PETITIONER) CRIMINAL No. 2:08-CR-67-DBH-04

ORDER ON MOTION TO REDUCE SENTENCE

Based upon the retroactive drug calculation Guideline, which took effect November 1, 2014, the defendant Patricia Morrison has filed a motion seeking a reduction of her previously imposed sentence. U.S. Sentencing Guidelines Manual app. C, Amendment 782 (2014); U.S. Sentencing Guidelines Manual § 1B1.10(d) (2014).

At her sentencing in April, 2009, Morrison was held responsible for 2.97 kilograms of cocaine base, which generated a base offense level (BOL) of 36. She then received a 2-level increase for possessing firearms, a 3-level increase for her role in the offense and a 3-level reduction for accepting responsibility, resulting in a total offense level (TOL) of 38. She had a Criminal History Category III, making her guideline range 292 to 365 months. However, she then received a downward departure because of her criminal history under Guideline § 4A1.3 and a variant sentence below the range. Ultimately, I sentenced Morrison to 180 months' imprisonment.

Under the newly amended drug calculations, Morrison's base offense level is reduced to 34 and her total offense level is reduced to 36. With her Criminal History Category III, this results in a revised guideline range for Morrison of 235 to 293 months.

Because the original sentence I imposed is below the low end of the revised guideline range, Morrison is not eligible for any further reduction. See U.S. Sentencing Guidelines Manual § 1B1.10(b)(2)(A) ("the court shall not reduce the defendant's term of imprisonment . . . to a term that is less than the minimum of the amended guideline range").

The motion to reduce sentence is **DENIED**.

So ORDERED.

DATED THIS 5TH DAY OF DECEMBER, 2014

/S/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE